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No. 09-101

Supreme Court, U.S.
FILED
OCT 23 2009
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IN THE

Supreme Court of the United States

PATRICIA SMITH, E/O WILLIE F. SMITH, PATRICIA SMITH; MARY SCOTT; CHRISTINE SMITH

Petitioners,

vs.

THOMAS JEFFERSON UNIVERSITY HOSPITAL; JEFFERSON MEDICAL COLLEGE; VINCENT ARMENTI, M.D.; ANDREA CLARK, RN.; BECKIE MICHAEL, D.O.; BRENDA HOFFMAN, M.D.; INTERMEDIATE DIALYSIS UNIT; ATTORNEY MARCY TANKER; ROBERT A. JUBELIRER, M.D.; ATTORNEY VAL PLEET WILSON; ATTORNEY FREDRIC GOLDFEIN

Respondents,

On Petition for Rehearing A Writ of Certiorari
to the United States District Court for
the Eastern District of Pennsylvania
(Civil Action No. 08-2478)
District Judge: Honorable Norma L. Shapiro

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PETITION FOR REHEARING A WRIT OF CERTIORARI

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Christine Smith, Pro Se
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QUESTIONS FOR REVIEW

Mary Scott, Christine Smith, Patricia Smith, Pro Se, Petitioners, are petitioning the Supreme Court of the United States, for a rehearing of a Writ of Certiorari, denied by clerk, William K. Suter, on October 5, 2009, because of the following questions for review and facts:

1. Did Philadelphia Common Pleas Trial Court, Judge Jacqueline Allen, erred, with the enforcement of a non-binding mediation settlement?

2. Are mediation settlements legal or equitable without a jury trial waiver, with major medical malpractice cases?

3. Are non-binding mediation settlements signed by attorneys without consent enforceable?

4. Are uninformed contracts used in hospitals for surgical procedures involving patient/physician practices legal?

5. Are Philadelphia Court of Appeal, allowed to changed the court orders listing a non-binding mediation to an arbitration?

6. Was Judge D. Michael Fisher required to recuse himself, as former Attorney General of Pennsylvania in 1996, required to investigate fraud and credential lying, and the National Transplantation Pregnancy Registry?

7. Was Judge D. Michael Fisher, required to recuse himself with the knowledge that his wife, Mrs. Carol Fisher was a co-worker of Dr. Vincent Armenti, and assisted him with several educational studies and research at Temple University?

8. Was Judge Majorie Rendell required to recuse herself, regarding the failed MCARE Act of her husband, governor Edward Rendell of Pennsylvania who instituted this law?

LIST OF PARTIES

Judge Jacqueline Allen

Judge Norma L. Shapiro

Judge D. Michael Fisher

Judge Majorie Rendell

TABLE OF CONTENTS

Questions for review....1
List of Parties....2
Table of Authorities....4
Jurisdiction....5
Constitutional and Statutory Provisions....6
Petition for Rehearing....7
Reason for Granting Rehearing....10
Conclusion....13

INDEX TO APPENDICES

APPENDIX A. Philadelphia Court of Common Pleas, Judge Jacqueline Allen, order dated 5/28/08, to enforce a mediation settlement of $105,000.

APPENDIX B. In the United States District Court for the Eastern District of Pennsylvania, Judge Norma L. Shapiro, order dated 6/11/08 rules to show causes on June 23, 2008.

TABLE OF AUTHORITIES

Rooker-Feldman Doctrine

Ernst v. City of Youth Services,

198 F. 3d 486, 491 (3d Cir. 1997)

Charchenko v. City of Stillwater,

47 F. 3d 981, 983 (8th Cir. 1995)

United States v. Classic,

313 U.S. 229.

Williams v. United States,

341 U.S. 97.

Cramer v. United States

350 U.S. 339 (1958).

Gary v. Braddock Cemetary,

517 F. 3d 195, 200 N. 4 (3d Cir. 2008)

Ballentine v. United States,

486 F. 3d 806, 808 (3 Cir. 2007)

JURISDICTION

The United States Constitution Article III vested the judicial power of the United States in one Supreme Court.

CONSTITUTIONAL AND STATUTORY PROVISIONS

US CONSTITUTION

U.S. Constitution Amendment III

U.S. Constitution Amendment VII

U.S. Constitution Amendment XIV

STATUTES

28 U.S.C. § 1443

42 U.S.C. §§ 181 and 182

42 U.S.C. §§ 183, 185, 186, and 1988

REGULATIONS

Act 13 of 2002, The Medical Care Availability and Reduction of Error (MCARE) Act of Pennsylvania

Patient Safety Authority Act 13 of 2002 of Pennsylvania

PETITION FOR REHEARING

Mary Scott, Christine Smith, Patricia Smith, Pro Se, Petitioners, are petitioning the Supreme Court of the United States, for a rehearing of an order, denied by clerk William K. Suter on October 5, 2009, as the results of the following facts:

The District Court, and Appeal Court Judges in Pennsylvania erred in refusing to uphold our constitutional rights to a jury trial, with their knowledge and concealment of medical fraud, credential lying of unqualified physicians, non-certified surgeons, physicians, researchers in the private hospital sectors, in Pennsylvania, Philadelphia County, that have harm, kill the decedent, Mr. Willie F. Smith, children, senior citizens, veterans, without disclosure for profit. Clerk William K. Suter, S. Elliot, with the Supreme Court of The United States, have denied total access of minority petitioners civil rights cases, illegally back dating cases, soliciting business for their own private printing company for profit, for over three decades.

Thomas Jefferson Hospital, an unregulated private medical institution, with Dr. Vincent Armenti, founder of the National Transplantation Pregnancy Registry, and credential lying, conducted and produced illegal research findings, without the patients consent for profit.

Dr. Vincent Armenti, founder of the National Transplantation Pregnancy Registry, (NTPR) in Philadelphia, Pennsylvania since 1991, human research without consents, fraudulently misrepresented his credential as a medical/surgeon, vascular surgeon, kidney transplant surgeon, at Thomas Jefferson Hospital, with the respondents, aided and abetted, to secure tax payers funding under Pennsylvania MCARE Act, pharmaceutical and medical device research fundings, federal cigarette settlement funding, without disclosure to the american citizens and medical consumer. This case arises from a major medical malpractice case, without a

jury trial, without a waiver of a jury trial, where attorney Val Pleet Wilson, participated in a fraudulent, non-binding mediation settlement enforced by common pleas Judge Jacqueline Allen, and mediation retired Judge Abraham Gafni, in concealment of fraud, credential lying, human research without consent, that kill the decedent, Mr. Willie F. Smith and eight other patients, of Dr. Vincent Armenti, with Thomas Jefferson University Hospital, without disclosure to the citizens and medical consumers, regarding this major medical institution, Thomas Jefferson University Hospital, and major campaign, Judicial Financial Contributors in Pennsylvania.

To ensure the non-disclosure of violations of Pennsylvania (MCARE ACT) The Medical Care Availability And Reduction Of Error Act 13 of 2002, that secures all tax-payers dollars, in paying for all physicians medical malpractice insurance, all medical malpractices insurance claims, with tax-payers dollars, even if you failed to have medical care insurance coverage of your own as a tax-payer of Pennsylvania. Why?

This illegal law have continue to exist today, under the guise of tort reform. To ensure non-disclosure, of Pennsylvania Governor Edward Rendell, failure to institute a regulatory, investigation agency to investigate, fraud, criminal, credential lying, of physicians, private hospitals, medical institutions, researchers, insurance companies, under the MCARE Act.

To ensure non-disclosure of former U.S. Attorney Patrick Meehan, and former Attorney General D. Michael Fisher, failure to disclose the facts of fraud, human-research without consent, credential lying of Dr. Vincent Armenti, founder of the National Transplantation Pregnancy Registry, with Thomas Jefferson University Hospital, in securing a 311 million dollars settlement in 2007 with the Justice Department against several medical device companies in the United States, in continuing their judgeship and political runs and standing in Pennsylvania. Federal Judge D. Michael Fisher,

refused to recuse himself, with the knowledge that his wife, Mrs. Carol Fisher, was a co-worker and assisted, Dr. Vincent Armenti, who is involved with fraud and credential lying, human research without consent, changed all court orders wording of mediation, to arbitration, with the knowledge that mediation is non-binding in the United States.

Federal Judge D. Michael Fisher, cited the cases, Gary v. Braddock Cemetary, 517 F. 3d 195, 200 N. 4 (3d Cir. 2008); Ballentine v. United States, 486 F. 3d 806, 808 (3 Cir. 2007), with all cases cited, were never denied their rights to a jury trial enforce in the United States.

REASON FOR GRANTING REHEARING

The United States Constitution Article III vested the judicial power of the United States in one Supreme Court. The Supreme Court of the United States, must determine that the state and federal court judgements were erroneously entered or must take action that would render their judgement ineffectual.

Ernst, 108 F. 3d. at 491; focus, 75 F. 3d. at 840. The Rooker-Feldman doctrine is based on the statutory provision that grants the Supreme Court Jurisdiction to review the decisions of State/Federal Courts for compliance with the United States Constitution.

And not clerk William K. Suter, with the Supreme Court of the United States, the only signature that have been presented for Judicial Supreme Court rejections for over three decades??? The respondents, Dr. Vincent Armenti, with Thomas Jefferson University Hospital, failed to adhere to the laws that governs medical and legal professionals, FDA regulations in the United States, with credential lying, fraud, obstruction, aiding and abetting, forgery, illegal tort reform under the (MCARE) Act, in Philadelphia County, Pennsylvania, that cau e the death of the decedent, Mr. Willie F. Smith, and eight other patients, with Thomas Jefferson University Hospital.

Dr. Vincent Armenti, and Thomas Jefferson University Hospital illegally secured a standing without disclosure of human research clinical trials, without the patient consent, to obtain federal, state grants, in causing death, injury and harm with credential lying to medical consumer, citizens of the United States and other countries, with the National Transplantation Pregnancy Registry (NTPR), in Philadelphia, Pennsylvania since 1991.

Dr. Armenti, Ph.D., intentionally misrepresented, exagger-

ated his experience and qualifications significantly increasing the risk of judgement, procedures, death, to his patients at Thomas Jefferson University Hospital.

The decedent, Mr. Willie F. Smith, and eight other patient deaths cited, in the Court of Common Pleas in Philadelphia County, with Thomas Jefferson University Hospital, and Dr. Vincent Armenti, Ph.D., with all nine major medical malpractice cases, were dismiss and adjudicated, without a jury trial, jury trial waiver, without producing and securing a medical doctor/surgeon specialist license, illegal medical malpractice tort reform, in Philadelphia County, Pennsylvania, disclosure of medical fraud, without penalties, to the medical consumer, citizens of the United States.

A conflict of interest have arisen under the State of Pennsylvania MCARE (Medical Care Availability and Reduction of Errors) Act, and the United States Constitution, with Pennsylvania medical malpractice/insurance/tort reform laws and procedures, with most Pennsylvania citizens failure to receive medical care, insurance, where all Pennsylvania tax payers are required to pay all medical malpractice insurance, judgment claims, of all physicians, hospitals, medical institutions, insurance companies, that continues to exist in Pennsylvania, establish under the MCARE Act, and Patient Safety Authority Act 13 of 2002, illegal medical malpractice tort reform, which is a violation of the Constitution 14th Amendment, and Federal laws.

Pennsylvania Governor Edward Rendell, with an insurance lawyer, enacted the MCARE Act, the Medical Care Availability and Reduction of Error Act 13 of 2002. Patient Safety Authority Act 13 of 2002, enacted without public hearing and assigned regulatory authority, that failed to monitor the corruption, and the billions of dollars generated regarding these laws that are still in place in Philadelphia County, Pennsylvania, with illegal malpractice tort reform.

U.S. CONSTITUTION

AMENDMENT XIV (1868)

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof are citizens of the United States and states wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities or citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of laws; nor deny to any person within its jurisdiction the equal protection of the laws...

CONCLUSION

The highest level of financial and legal penalties are warranted against the respondents, attorneys for the respondents, to include attorney Val Pleet Wilson, with the appeal of an unconstitutional, fraudulent, non-existing mediation settlement enforced by Common Pleas Court Judge Jacqueline Allen, in the amount of $105,000, which is unfair and unreasonable, without a jury trial, without a jury trial waiver, with the intentional concealment of the truth, of fraud, credential lying of Dr. Vincent Armenti, fraud, forgery and obstruction by the respondents, to include Attorney Val Pleet Wilson, in sending a clear message, enforcement of a fair and honest medical malpractice, wrongful death, obstruction, forgery and fraud cases against appellee/respondents, to include Attorney Val Pleet Wilson, judgment of eighty million dollars in favor of the appellant/petitioners, Patricia Smith, Mary Scott, Christine Smith, to bring forth an ending, with all legal and court costs and taxes paid by the appellee/respondents, with all medical witness fees paid by the appellee/respondents, with no appeals granted to the appellee/respondents, Attorneys for the appellee/respondents, to include Attorney Val Pleet Wilson.

With the acknowledgement of appellee/respondents, Attorney Marcy Tanker, Attorney Deborah M. Knight, Joint Brief of Opposition, filed on August 20, 2009, by Cockle Printing Company, of the illegal changes made by the Third Circuit Court of Appeals, Judge D. Michael Fisher, the changes made from **mediation** to **arbitration** to cover-up illegal medical malpractice tort reform, medical and insurance fraud in Philadelphia County, Pennsylvania.

No one is above the law.

Enforce by our laws under the United States Constitution.

The petition for a Writ of Certiorari should be granted.

Respectfully Submitted,

/s/ Mary J. Scott, Pro Se

/s/ Christine Smith, Pro Se

/s/ Patricia Smith, Pro Se

THE AMERICAN BOARD OF SURGERY
1617 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-1847

April 30, 2008

Re: Dr. Vincent Thomas Armenti, MD
To Whom It May Concern:

Thank you for your recent inquiry to The American Board of Surgery (ABS) regarding the certification above named surgeon. The specific status of the surgeon with the ABS is listed below.

Please be advised that The American Board of Surgery does not use or condone the term "Board Eligible" and therefore can neither affirm nor deny such status.

Certified: Surgery Current Status: Certified

Certified History - Certificate #034745

Status	Occurrence	Duration	Start Date	End Date
Expired	Initial	Time-Limited	08 Nov. 1989	01 Jul 2000
Active	Recertification	Time-Limited	24 Oct 1997	01 Jul 2010
Active	Recertification	Time-Limited	03 Dec 2007	01 Jul 2020

Please inform us immediately if your information differs from what we have supplied above. If you have any questions regarding this information, please contact the ABS office.

By: /s/
Frank R. Lewis Jr., M.D.
Executive Director

APPENDIX A

PATRICIA SMITH, ADMINISTRATRIX OF THE ESTATE OF WILLIE FRANK SMITH, DECEASED AND PATRICIA SMITH AND MARY SCOTT AND CHRISTINE SMITH,	**COURT OF COMMON PLEAS PHILADELPHIA COUNTY**
V.	**JANUARY TERM, 2005**
THOMAS JEFFERSON UNIVERSITY HOSPITAL; THOMAS JEFFERSON UNIVERSITY HOSPITAL, INC.; JEFFERSON MEDICAL COLLEGE; VINCENT ARMENTI, MD.; ANDREA CLARK; RN; RYAN NEFF, MD; AND/OR BRYAN NEFF, MD.; PHYSICIANS DIALYSIS, INC. OR INTERMEDIATE DIALYSIS UNIT; BECKIE MICHAEL, D.O.; AND BRENDA HOFFMAN, M.D.	**031925** **NO. 4090**

ORDER

AND NOW, This 28th day of May, 2008, it is hereby ordered and decreed that defendants' motion to enforce settlement is granted, and

1. The settlement reached at the mediation of $105,000.00 is enforced;

2. The settlement reached at the mediation is fair and reasonable;

3. Plaintiffs, through counsel, shall file a motion for approval of settlement in a wrongful death and survival action in orphans court.

By the Court
/s/ Allen, J.

APPENDIX B

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PATRICIA SMITH E/O WILLIE F. SMITH, PATRICIA SMITH, MARY SCOTT, CHRISTINE SMITH	**CIVIL ACTION**
V.	
THOMAS JEFFERSON UNIVERSITY HOSPITAL; JEFFERSON MEDICAL COLLEGE; VINCENT ARMENTI, M.D., ANDREA CLARK, RN.; BECKIE MICHAEL, D.O.; BRENDA HOFFMAN, M.D.; ATTORNEY MARCY TANKER; ROBERT A. JUBELIRER, M.D.; ATTORNEY VAL PLEET WILSON; ATTORNEY FREDRIC GOLDFEIN	**NO. 08-2478**

ORDER

AND NOW, This 11th day of June, 2008, It appearing that:

1. Plaintiffs have filed this action Pro Se and paid a filing fee.

2. This action appears to be an appeal from an order in the Court of Common Pleas of Philadelphia County, January term, 2005, No. 4090.

3. The defendants in that action filed a motion to enforce a mediated settlement which was granted by Court of Com mon Pleas Judge Jacqueline F. Allen by order of May 28, 2008.

4. In her order of May 28, 2008, Judge Allen granted defendants' motion, found that the mediated settlement was

fair and reasonable, and directed that the plaintiffs, through their counsel, "file a motion for approval of settlement in a wrongful death and survival action in orphans court."

5. No basis for Federal Jurisdiction appears on the face of complaint as there is no diversity of citizenship between the parties and no alleged violation of any Federal Statue or the United States Constitution.

6. This court has no jurisdiction to review a decision of a State Court under the Rooker-Feldman Doctrine; the appeal of Common Pleas decision has to be taken to a Pennsylvania Appellate Court.

THEREFORE, IT IS ORDERED THAT:

1. The court will hold a hearing on a rule to show cause why this matter should not be dismissed for lack of jurisdiction on Monday, June 23, 2008, at 11:00 am., Courtroom 10-A, 601 Market Street, Philadelphia.

/s/ Norma L. Shapiro
S.J.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543 - 0001

WILLIAM K. SUTER
CLERK OF THE COURT

OCTOBER 5, 2009

MS. PATRICIA SMITH
8219 THOURON AVENUE
PHILADELPHIA, PA 19150

Re: PATRICIA SMITH, et al.
v. THOMAS JEFFERSON UNIVERSITY
HOSPITAL, et al No. 09-101

Dear Ms. Smith:

The court today entered the following order in the above - entitled case:
The petition for a Writ of Certiorari is denied.

Sincerely,

By: /s/
William K. Suter
Clerk

CERTIFICATE

I certify pursuant to Supreme Court Rule 44.2 that this petition for rehearing is restricted to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented, and that it is presented in good faith and not for delay.

_____/s/_____
Mary J. Scott

_____/s/_____
Christine Smith

_____/s/_____
Patricia Smith

October 23, 2009